

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**HARRISON COUNTY, MISSISSIPPI;
HANCOCK COUNTY, MISSISSIPPI;
CITY OF BILOXI, MISSISSIPPI; CITY
OF D'IBERVILLE, MISSISSIPPI;
CITY OF WAVELAND, MISSISSIPPI;
MISSISSIPPI HOTEL AND LODGING
ASSOCIATION; MISSISSIPPI
COMMERCIAL FISHERIES UNITED,
INC.; PASS CHRISTIAN,
MISSISSIPPI; CITY OF
DIAMONDHEAD, MISSISSIPPI**

PLAINTIFFS

v.

CAUSE NO. 1:19cv986-LG-RPM

**MISSISSIPPI RIVER COMMISSION
and U.S. ARMY CORPS OF
ENGINEERS**

DEFENDANTS

**ORDER DENYING DEFENDANTS' MOTION TO STAY
AND EXPEDITED MOTION TO STAY JURISDICTIONAL
DISCOVERY PENDING ADJUDICATION OF THE MOTION TO STAY**

BEFORE THE COURT is the defendants' [65] Motion to Stay and Expedited Motion to Stay Jurisdictional Discovery Pending Adjudication of the Motion to Stay. The plaintiffs have filed a response in opposition to the Motion. After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that the defendants' Motion to Stay should be denied.

The plaintiffs filed this lawsuit seeking injunctive and declaratory relief concerning the defendants' opening of the Bonnet Carré Spillway in 2019. After the defendants filed a Motion to Dismiss for Lack of Jurisdiction, the Court granted the plaintiff's Motion for Jurisdictional Discovery. The Court held that the plaintiffs

would be permitted to conduct discovery narrowly tailored to the precise issue of whether the defendants' operation of the Bonnet Carré Spillway in 2019 was within the contemplation of the original Mississippi River and Tributaries Project when adopted or approved. The Court recently granted the plaintiffs' request to extend the jurisdictional discovery deadline to February 18, 2021.

The defendants now seek a stay of this lawsuit so that they can evaluate whether recent legislation moots all or part of this lawsuit. The legislation cited by the defendants is the Water Resources Development Act of 2020, which was included in the Consolidated Appropriations Act of 2021.

The Court finds that a stay is not necessary to permit the defendants to review the effect of this legislation. The case has already been delayed significantly, and the parties should conduct jurisdictional discovery and review the impact of recent legislation as expeditiously as possible. As a result, the Court finds that the Motion for a Stay should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendants' [65] Motion to Stay and Expedited Motion to Stay Jurisdictional Discovery Pending Adjudication of the Motion to Stay is **DENIED**.

SO ORDERED AND ADJUDGED this the 12th day of January, 2021.

s/ *Louis Guirola, Jr.*
Louis Guirola, Jr.
United States District Judge